

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

<hr/>)	
VALERI V. ARTIOUKHINE,)	
Complainant,)	8 U.S.C. § 1324b Proceeding
)	
v.)	OCAHO Case No. 97B00161
)	
KURANI, INC.,)	Judge Robert L. Barton, Jr.
DBA PIZZA HUT,)	
Respondent.)	
<hr/>)	

PREHEARING CONFERENCE REPORT

(December 2, 1997)

A telephone prehearing conference with both parties was held on December 2, 1997. During the conference the issue of whether this Court has jurisdiction of Complainant's claim of national origin discrimination was discussed. Respondent's representative stated during the conference that Respondent employed between 400-450 employees in 1996. I explained to the parties that this Court lacks jurisdiction of a complaint based on national origin discrimination if the employer has more than 14 employees on its payroll for each day of the week for twenty or more consecutive weeks during the year in question.

Given Respondent's assertions in its answer to the complaint and during the conference, Respondent was given leave to file, not later than December 17, 1997, a motion to dismiss this case for lack of jurisdiction, along with supporting payroll records and an affidavit.¹ The payroll records must show that more than 14 employees were employed by the Respondent for each day for twenty or more consecutive weeks in 1996. The payroll records must show daily employment, not just monthly or weekly employment. Respondent also must show when its work week begins and ends. Finally, the affidavit must be prepared and signed by a person who is familiar with the payroll records and can swear to their accuracy and authenticity. Respondent must also send a copy of any documents filed with the Court to the Complainant. Complainant Artioukhine will have fifteen days to file his response to the motion.

¹ "File" means that the motion and documents must be received by my office not later than December 17.

After considering the submissions, I will render a written decision on the motion. If Respondent shows that this Court lacks jurisdiction because Respondent did employ more than 14 employees for the twenty consecutive week period, I will dismiss the case with prejudice. If Respondent fails to support its motion with sufficient evidence and I deny the motion, then this case will proceed to a determination on the merits.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 1997, I have served the foregoing Prehearing Conference Report on the following persons at the addresses shown, by first class mail, unless otherwise noted:

Valeri V. Artioukhine
9811 Chelatna Cr.
Anchorage, AK 99515
(Complainant)

Vincent Voss, Vice President
Kurani, Inc.
d/b/a Pizza Hut
210 Center Court
Anchorage, AK 99518
(Respondent)

John D. Trasvina
Special Counsel for Immigration-Related
Unfair Employment Practices
P.O. Box 27728
Washington, D.C. 20038-7728

Office of the Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041
(hand delivered)

Linda Hudecz
Legal Technician to Robert L. Barton, Jr.
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
Telephone No.: (703) 305-1739
FAX NO.: (703) 305-1515